

UNITED STATES OF AMERICA  
 NATIONAL TRANSPORTATION SAFETY BOARD  
 OFFICE OF ADMINISTRATIVE LAW JUDGES

\* \* \* \* \*

Investigation of: \*

MV ETHAN ALLEN, \*

LAKE GEORGE, NEW YORK, \*

OCTOBER 2, 2005 \* Docket No.: DCA 06 MM 001

\* \* \* \* \*

Interview of: TIMOTHY MURPHY

National Transportation Safety Board  
 490 L'Enfant Plaza East, S.W.  
 Washington, D.C. 20594

Wednesday,  
 October 12, 2005

The above-captioned matter convened, pursuant to  
 notice, at 9:05 a.m.

BEFORE: MARIETTE BURER

## APPEARANCES:

MARIETTE BURER

National Transportation Safety Board

MAJ. STEVE RIVENBURGH

New York State Park Police

I N D E X

<u>ITEM</u>	<u>PAGE</u>
Interview of Timothy Murphy:	
By Ms. Burer	4
By Maj. Rivenburgh	13

I N T E R V I E W

(9:05 a.m.)

MS. BURER: Again, my name is Mariette Burer, with the National Transportation Safety Board. Today is October 12th, and it's approximately 5 minutes after 9:00.

I have with me --

MAJ. RIVENBURGH: Major Steve Rivenburgh, New York State Park Police.

MS. BURER: And go ahead, announce -- introduce yourself, sir.

MR. MURPHY: Timothy Murphy, Warren County Coroner.

MS. BURER: Okay.

INTERVIEW OF TIMOTHY MURPHY

BY MS. BURER:

Q. What I would like is to get some information as far as what happened October 2nd, with the Ethan Allen and what role you played.

A. Okay. I believe it was approximately 4:00 or 4:15 p.m., that I was called from the Warren County Sheriff's Department and asked to come up to Lake George, up to Cramer Point, that there had been a tour boat that had flipped over, and there were multiple deaths. I responded to Cramer Point. At that time I met Jerry Skidmore and William Orlick, who are also Warren County Coroners, and at that point, I believe there was 19 bodies on the shore, and they were covered with sheets,

1 and shortly after that, they brought one more body in. We  
2 gathered our thoughts as to how we were going to do this. We  
3 knew that the Glens Falls Morgue only had room for three  
4 bodies. So I made some phone calls and was able to arrange for  
5 a refrigerator truck to be brought down to the Glens Falls  
6 Hospital and parked out back. Once the truck was in place,  
7 previously to calling for the truck, we had called all the  
8 local funeral homes from the area, from Warren County and  
9 actually a couple in Washington County, to stand by up at the  
10 rest area just above Cramer Point, until we needed them to come  
11 down. Myself and Gary Skidmore and William Orlick, each worked  
12 with a Sheriff's Department member and also I believe there was  
13 probably the Lake George Park Commission, William Vaness (ph.)  
14 was working with us as far as trying to identify and taking  
15 valuables from, from the remains. At that point in time, we  
16 identified all of the males by wallets and identification that  
17 they had in their pockets. The females were all identified the  
18 best we could by -- they all had -- not all but plastic name  
19 tags on them with their names, so we were able to get a partial  
20 ID or hopefully the right ID, and we had five at the point that  
21 everything was over, that were unidentified. We then split  
22 the, the area up and we removed the valuables from the deceased  
23 and checked them over and then -- we would then put them in  
24 disaster pouches and we would call the funeral homes down as we  
25 got them pouched and ready to go. The different funeral homes

1 then came down and transported all of the bodies to the Glens  
2 Falls Hospital. Accompanying the funeral homes was somebody I  
3 believe from the Lake George Park Commission or Warren County  
4 Sheriff's Department, accompanied all the bodies to the Glens  
5 Falls Hospital, at which point we put the five unidentified  
6 into the morgue, into the cooler at the Glens Falls Hospital  
7 and we put the remaining 15 into the refrigerator truck that  
8 was parked out back. We pretty much ended there that night.  
9 Dr. Paul Baughman (ph.) came down. He met us at the hospital  
10 as we're bringing the, the bodies to the hospital. Paul  
11 Baughman is also a Warren County Coroner, also what we call the  
12 Coroner's Physician in Warren County. He oversees all of us as  
13 we're all lay people. The next morning I met with -- that  
14 night, the, the four of us, Dr. Baughman, Gary Skidmore,  
15 William Orlick and myself, met and discussed the best way to  
16 handle the autopsies. We didn't believe at that time that the  
17 Glens Falls Hospital could handle them. So we decided to wait  
18 until morning, and I would talk to the pathologist at the Glens  
19 Falls Hospital. We also decided that one person should handle,  
20 be in charge or oversee in the autopsies due to the fact that  
21 the way in New York State death certificates have to be signed,  
22 and it was talked about and I guess you might say the word  
23 would be that I volunteered to do it being that I was also a  
24 funeral director and had some knowledge on how to transport and  
25 work on getting these bodies back to their home states. The

1 following morning, at approximately 8:00, I met with the  
2 pathologist at the Glens Falls Hospital, and it was discussed  
3 that they felt that they could not handle this, and this should  
4 be handled by one group of pathologists or one be it forensic  
5 pathologist, somebody with a little bit more knowledge than  
6 they had, due to the fact that there would be probably lawsuits  
7 and testimony. So at that time, at that time, it was decided  
8 that we would go to Albany Medical Center. I contacted  
9 Mr. Michael Sickarica (ph.) who was the forensic pathologist  
10 for the area, and the morgue at the Albany Medical Center had  
11 made arrangements to, to bring the remains of the people, if  
12 they needed them, to Albany Medical Center. Approximately  
13 probably 12:00 noon, we left the Glens Falls Hospital with  
14 myself driving the refrigerator truck, with 15 of the remains  
15 in the truck and two State Police vans, one in the front, one  
16 in the rear of me, en route to Albany Medical Center. We --  
17 while en route to Albany Medical Center, our refrigerator truck  
18 broke down, and we did have to have the towed to Albany Medical  
19 Center. Upon arrival at Albany Medical Center, we were met by  
20 Dr. Sickarica, and his staff. We removed all of the remains  
21 from the refrigerator truck into the morgue, the cooler area,  
22 of Albany Medical Center, at which time Dr. Sickarica, his  
23 staff, the New York State Police, and myself, started the  
24 autopsies. We worked from approximately 2:00 p.m. to 2:00  
25 a.m., on the autopsies that day, and then the following

1 morning, as the autopsies were being completed, I was notifying  
2 local funeral homes, and I had been in contact with a lot of  
3 the funeral homes in the (indiscernible) area, to come to  
4 Albany Medical Center, make the removal, bring them back to  
5 Glens Falls and prepare the remains for either shipping back to  
6 Michigan or whatever was family desired. The following  
7 morning, myself and two other funeral homes brought the  
8 additional -- actually, there was an additional six people  
9 because we had brought one gentleman back to Glens Falls  
10 Hospital due to the fact that his daughter had flown in and she  
11 wanted to see him before his autopsy. So the following  
12 morning, we brought back the additional six victims, to Albany  
13 Medical Center from Glens Falls Hospital, but by this time they  
14 had all been positively identified by the New York State  
15 Police. We brought back all six of them to Albany Med where  
16 their autopsies were done and completed and at approximately I  
17 believe 1:00 p.m., which would have been on the 4th, yes, at  
18 approximately 1:00 p.m. on the 4th, all autopsies were  
19 completed by Dr. Sickarica and all of the bodies had been  
20 removed from Albany Medical Center back to local funeral homes  
21 in the Warren County area. At that time, myself and  
22 Dr. Sickarica signed all of the death certificates and they  
23 were all filed in the Town of Lake George. The cause of death  
24 on all of them was drowning, respiratory arrest due to  
25 drowning, and I don't know -- that's about it unless you have



1 questions.

2 Q. Okay. The forensic pathologist from Albany Medical  
3 Center, how do you spell his last name?

4 A. S I C K A R A, I believe. I don't have my paperwork  
5 with me.

6 Q. Okay. So we're talking about Wednesday. Would that  
7 have been October 4th at 1:00 p.m. I don't have a calendar.

8 A. Yes, yes, October 4th, at 1:00 p.m.

9 Q. Okay. So then -- let me see. The following morning,  
10 at 8:00 in the morning, when you -- when Glen Falls couldn't  
11 handle it, that was Tuesday then?

12 A. That was Tuesday, the 3rd, right.

13 Q. And then at noon, you left Glens Falls Hospital with  
14 the refrigerated truck with 15?

15 A. With 15, yes.

16 Q. And escorted by two State Police, the truck broke  
17 down, but got towed --

18 A. To Albany Medical Center.

19 Q. Right. And then you removed the bodies to the morgue  
20 and the cooling area.

21 A. Yes.

22 Q. Okay. Now the other person that you had mentioned,  
23 that I'm not sure about with the spelling is you had Dr. Paul  
24 Baughman --

25 A. Baughman.

1           Q.    -- yeah, and Gary Skidmore, yourself and another  
2 person?

3           A.    William Orlick.

4           Q.    Yes.

5           A.    O R L I C K.

6           Q.    Okay. Got it.

7           A.    He is a Coroner in Warren County.

8           Q.    And Gary Skidmore, is he a Coroner?

9           A.    Yes, Gary Skidmore is a Coroner in Warren County.

10 All four of us are.

11          Q.    And all from Warren County?

12          A.    Yes.

13          Q.    Okay. What is the difference between coroner and a  
14 coroner physician?

15          A.    Well, a coroner's physician is a physician. He  
16 oversees all of us. A coroner's physician -- a coroner can,  
17 can pronounce somebody dead and do the paperwork --

18          Q.    Okay.

19          A.    -- and order the autopsy, but the coroner's physician  
20 still have to sign the death certificate with us.

21          Q.    Okay.

22          A.    So you always have to have a physician sign the death  
23 certificate in New York State. In this case, that  
24 Dr. Sickarica became the Coroner's Physician because everything  
25 was taking place in Albany.

1 Q. Okay. And then you were talking about that you had  
2 a -- you actually went to Cramer Point, right?

3 A. Yes.

4 Q. And that's where all the bodies were?

5 A. Yes.

6 Q. Okay. So by the time that you got contacted at 1615  
7 or 4:15 in the afternoon by the Warren County Sheriff's  
8 Department, by the time that you arrived, there were already 19  
9 bodies that were --

10 A. On shore.

11 Q. -- at Cramer Point covered with the sheets, correct?

12 A. Yes.

13 Q. Okay. And then one body came later. How much later?  
14 Do you recall?

15 A. I believe it was within -- probably within 15, 20  
16 minutes.

17 Q. Okay. How far away are you from Cramer Point where  
18 you had to --

19 A. Probably 20 minutes to a half an hour.

20 Q. Okay. Okay. And the rest area above where all the  
21 funeral home transport were staged --

22 A. Yes.

23 Q. -- what area are we talking about? Is that just like  
24 a parking lot or --

25 A. That's a rest area on the State Route 87. It's

1     called the Northway.

2           Q.     The Northway.

3           A.     Yeah.

4           Q.     Okay.  And how did you guys contact one another in  
5     order for them to know when to come down to Cramer Point?

6           A.     By cell phone.  I had one person -- one of the  
7     funeral directors up there, he stayed up there, and we would  
8     contact him and tell him to send a couple of hearses down.

9           Q.     Okay.  The local funeral homes that were contacted,  
10    how many are we talking about in this area?

11          A.     Let me see here.  Six.

12          Q.     Six.  Okay.  Do you recall what time they were  
13    contacted?

14          A.     They were all contacted by the Sheriff's Department?

15          Q.     Okay.

16          A.     So --

17          Q.     Okay.  Okay.  And then the remainder -- how many  
18    males were there when you actually -- you remember you said  
19    something about identifying all males by the wallet.  Do you  
20    recall how many that was?

21          A.     I don't.

22          Q.     Okay.

23          A.     I did two myself.  I'm not sure how many, no.

24          Q.     Right.  Okay.  Okay.  So that's Monday -- I'm okay  
25    for right now.

1 A. Okay.

2 BY MAJ. RIVENBURGH:

3 Q. Tim, I have one question.

4 A. Sure.

5 Q. What we're looking at is the response at this point  
6 for future planning needs and so on and so forth.

7 A. Okay.

8 Q. I'm not going to ask you the name of the company, but  
9 I presume it was a local shipper that you contacted for the --

10 A. Yes, I did.

11 Q. Okay. And was this something that you had  
12 prearranged?

13 A. No, no. No.

14 Q. No.

15 A. No.

16 Q. Did you have to contact many before you got a truck?

17 A. No, I got it on my first try. I know the local, you  
18 know, the local I guess you would say distributors. It's one  
19 right here in Glens Falls, and I know one of the managers, and  
20 I called him.

21 Q. Okay. That's fair enough. That's something for  
22 planning.

23 A. Right.

24 Q. And I know that these shippers don't -- wouldn't like  
25 that name put out there.

1 A. Oh, no, no.

2 Q. And I tell you honestly, it's something I think about  
3 (indiscernible). I'm in the same boat in pre-planning down  
4 there. So --

5 A. It would be definitely, I mean I, I would -- you  
6 know, at this point in time, I think when we go over everything  
7 up in this area, they'll look to -- this was just fortunate  
8 that I was able to get this, but it wasn't the type of truck we  
9 actually really needed because it was an old truck and it  
10 needed to be run all night, the engine and everything.

11 Q. Yeah.

12 A. It didn't have the separate cooler that you could  
13 plug in or just keep running and that wasn't good to be sitting  
14 behind the hospital all night.

15 Q. Boy, it's a good thing EnCon (ph.) didn't catch you.

16 A. Yeah, I know.

17 Q. Then that's something you'll put in your pre-  
18 planning.

19 A. Yes. Yeah.

20 Q. Okay. And that's something that I'll stick in the  
21 back of my mind also. Thank you very much on that.

22 A. Okay.

23 MS. BURER: Thank you so much for your time.

24 MR. MURPHY: Okay.

25 MS. BURER: I appreciate it. If I have any more

1 questions, may I call on you again?

2 MR. MURPHY: You sure can.

3 MS. BURER: Okay. Thank you so much, sir.

4 MR. MURPHY: All right.

5 MS. BURER: Bye-bye.

6 MR. MURPHY: All right. Bye now.

7 (Whereupon, the interview in the above-entitled  
8 matter was concluded.)

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

CERTIFICATE

This is to certify that the attached proceeding before the

NATIONAL TRANSPORTATION SAFETY BOARD

IN THE MATTER OF:            Investigation of MV Ethan Allen  
                                 Lake George, New York  
                                 October 2, 2005  
                                 Interview of Timothy Murphy

DOCKET NUMBER:            DCA 06 MM 001

PLACE:                        Washington, D.C.

DATE:                         October 12, 2005

was held according to the record, and that this is the  
original, complete, true and accurate transcript which has been  
compared to the recording accomplished at the hearing.

\_\_\_\_\_  
Kathryn A. Mirfin  
Transcriber